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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,586	08/20/1999	MORRIS ANTHONY MOORE	PF01800NA	9320

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EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/378,586

Applicant(s)

MOORE ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected:
- 7) ☐ Claim(s) ____ is/are objected to:
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

The application of Morris Anthony Moore for Method And Apparatus For Locating A Nearby Alternate Vending Machine A Desired Product filed 8/20/99 Renard et al. has been examined. Claims 1-22 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8, 10-14, 16-18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horne et al. U.S Patent 5091713 in view of Rosenberg et al. U.S Patent 6418416.

Regarding claims 1 and 2, Horne et al. teaches a vending machine designed to accomplish a number of specific function including inventory control (col. 3 line 12) but is silent on teaching a vending machine for locating a nearby alternate vending machine having a desired product, the method comprising the step of making available to the first vending machine information from nearby ones of the plurality of vending machines for coordinating product availability and vending machine location; determining by the first vending machine that the desired product is no longer available at the first vending machine location, obtaining information from the first vending machine concerning location of the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory Management System And Method teaches a system with cabinets enclosing secured articles (col. 3 lines 58-60). Each

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cabinet collects inventory information as articles are removed from or stocked in the cabinet (col. 4 lines 12-13). The cabinet includes an input device such as a touch screen or a keyboard to track articles removed or added to the cabinet (col. 4 lines 17-18). Rosenberg et al. further teaches a web server (140) that allows users to browse cabinet inventory and search for articles (col. 5 lines 41-44) and the browser is installed on the cabinet (col. 4 lines 33-34). Users are allowed to search for any article across multiple enclosures from any location (col. 2 lines 34-35) and view items that match their query and the cabinet location (col. 6 lines 48-49).

It would have been obvious to one of ordinary skill in the art to provide information as to the location of a nearby alternate vending machine having a desired product in Horne et al. because Horne et al. suggests a vending machine providing inventory and sales information about merchandise dispensed through the vending machine and Rosenberg et al. teaches a system that allows users to search from each cabinet for the location of an article across a multiple of cabinets which is a similar process of locating an alternate vending machine having a desired product.

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Regarding claim 3, Horne et al. teaches a vending machine connected to an inventory control station (col. 5 lines 37-39) and a central computer (110) coupled to a plurality of vending machine (col. 5 lines 40-41) but is silent on teaching a vending machine maintaining a list of alternate vending machine and communicate with the alternate vending machine to locate the desired product when the first vending machine has no availability of the desired product. Rosenberg et al. in an art related Inventory Management System And Method teaches that users are allowed to search for any article across multiple enclosures from any cabinet location (col. 2 lines 34-35) and view items that match their query and the cabinet location (col. 6 lines 48-49). This implies that each of the cabinet has a way of knowing about the existence of alternate cabinet in the network.

It would have been obvious to one of ordinary skill in the art to for the vending machine to maintain a list of alternate vending machine and communicate with the alternate vending machine to locate the desired product when the first vending machine has no availability of the desired product in Horne et al. because Horne et al. suggests a vending machine connected to other vending machine and an inventory control system to track the inventory of a vending machine and Rosenberg et al. teaches that users are allowed to search for any article across multiple enclosures from any cabinet location which implies that each cabinet maintain a form of list showing the alternate cabinet in the network of cabinets.

Regarding claim 4, Horne et al is silent on teaching communication by a transceiver with at least one candidate alternate vending machine when the first vending machine has no availability of the desired product. Rosenberg et al. in an art related Inventory Management

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System And Method teaches that users are allowed to search for any article across multiple enclosures from any cabinet location (col. 2 lines 34-35). This indicates that the cabinets have a means of communication with each other to obtain inventory information

It would have been obvious to one of ordinary skill in the art to for the vending machine to communicate by a transceiver with at least one candidate alternate vending machine when the first vending machine has no availability of the desired product in Horne et al. because Horne et al. suggests a plurality of vending machine having a modem and is connected to a inventory controller and Rosenberg et al. teaches providing information on the alternate location of a cabinet storing a desired product in order to locate an alternate source of a product when the product is unavailable in a particular enclosure.

Regarding claims 6 and 16, Horne et al. teaches a vending machine communicating with a server (figure 3) and further connecting to an inventory control station (108) but is silent on teaching the server determining an alternate vending machine as the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches the enclosures (110) connected to a server (130). Rosenberg et al. further teaches a method and system that allow users to search for any article across multiple enclosures.

It would have been obvious to one of ordinary skill in the art for the server to determine an alternate vending machine as the nearby alternate vending machine for the desired product in Horne et al. because Horne et al suggests vending machines connected to a sever and an inventory control unit for processing sales information and exercising inventory control function

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and Rosenberg et al. teaches a method of locating a particular product residing in an alternate enclosure by a user interacting with a browser installed on the controller of the cabinet.

Regarding claim 7, 8, and 17, Horne et al. teaches an inventory control station (108) interconnected by a central computer (110) and is coupled to a plurality of vending machine (col. 5 lines 37-41). Horne et al further teaches that the inventory control sensor records the transaction and stores the accumulated inventory information for subsequent transmittal to the inventory control (col. 5 lines 59-62). Horne et al. is however silent on teaching determining whether one of the plurality of vending machines is serving as the nearby alternate vending machine for the product and finding the first vending machine another alternate vending machine for the product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches the enclosures (110) connected to a server (130). Rosenberg et al. further teaches a method and system that allow users to search for any article across multiple enclosures (col. 2 lines 19-24).

It would have been obvious to one of ordinary skill in the art to allow a vending machine to serve as the nearby alternate vending machine for the product and finding the first vending machine another alternate vending machine for the product in Horne et al. because Horne et al. suggests an inventory control system processing information concerning the product available in the vending machine and Rosenberg et al. teaches a system in which information on the location of an item stored in an enclosure is obtainable by operating a browser on the control panel of the enclosure. Rosenberg et al therefore provides a means of locating a product in an alternate enclosure.

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Regarding claim 10, Horne et al teaches a plurality of vending machine coupled to a central computer (col. 5 lines 39-41). The vending machine communicates to the server the product availability whenever the product availability changes (col. 7 lines 20-24). Horne et al. is however silent on teaching the vending machine requesting from the server the location of the alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches the user requesting information from the server concerning a desired article and the user is then directed to one ore more enclosures with the desired article (col. 2 lines 19-23).

It would have been obvious to one of ordinary skill in the art for the vending machine to request from the server the location of the alternate vending machine for the desired product in Horne et al. because Horne et al. suggests vending machines coupled to a sever and inventory controller to provide inventory information and Rosenberg et al. teaches locating an enclosure having a desired item by obtaining such information from the browser of the control panel of an enclosure which in turn request information from a server in order to obtain accurate information as to the location of a particular product.

Regarding claims 11 and 12, Horne et al. teaches a vending machine having an inventory sensor (94), customer interface (50), transceiver for providing communications (11), processing system coupled to the transceiver (110), the processing system further coupled to the inventory sensor and customer interface (figure 3). The processing system cooperates with the inventory sensor to determine that the desired product availability (col. 7 lines 20-24). Horne et al. is however silent on teaching the making of information available comprising of the location of the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related

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Inventory Management System And Method invention teaches a method of finding an alternate cabinet containing a desired article (col. 6 lines 46-50).

It would have been obvious to one of ordinary skill in the art to provide information as to the location of the nearby alternate vending machine for the desired product in Horne et al. because Horne et al. suggests maintaining an inventory of the product in a vending machine and Rosenberg et al. teaches providing information relating to the location of a desired product to the control panel of an enclosure in order to identify an alternate source for a particular product.

Regarding claim 13, Horne et al. is silent on teaching maintaining a list of alternate vending machines located near the first vending machine and control the transceiver to communicate with at least one of the candidate alternate vending machines to locate the desired product when the first vending machine has no availability of the desired product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches Users are allowed to search for any article across multiple enclosures from any location (col. 2 lines 34-35) and view items that match their query and the cabinet location (col. 6 lines 48-49). One skilled in the art recognizes that in order to search across multiple enclosures a list must be maintained to provide information as to what enclosures are available for search.

It would have been obvious to one of ordinary skill in the art to provide information as to the location of the nearby alternate vending machine for the desired product in Horne et al. because Horne et al. suggests maintaining an inventory of the product in a vending machine and Rosenberg et al. teaches providing information relating to the location of a desired product to the control panel of an enclosure in order to identify an alternate source for a particular product and

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one skilled in the art recognizes that in order to search across multiple enclosures a list must be maintained to provide information as to what enclosures are available for search.

Regarding claim 14, Horne et al. is silent on teaching the processing system program to communicate with at least one candidate alternate vending machine when the first vending machine has no availability of the desired product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches a method to communicate with at least one candidate alternate enclosure (col. 6 lines 43-45).

It would have been obvious to one of ordinary skill in the art for the processing system program to communicate with at least one candidate alternate vending machine when the first vending machine has no availability of the desired product in Horne et al. because Horne et al suggests a plurality of vending machine connected to a central computer a inventory control system and Rosenberg et al. teaches enclosures in communication with each other information on the location of a desired product in order to identify an alternate location for a particular product.

Regarding claim 18, Horne et al. teaches a vending machine having an inventory sensor (94), customer interface (50), transceiver for providing communications (11), processing system coupled to the transceiver (110), the processing system further coupled to the inventory sensor and customer interface (figure 3). The processing system cooperates with the inventory sensor to determine that the desired product availability (col. 7 lines 20-24). Horne et al. is however silent on teaching the making of information available comprising of the location of the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory

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Management System And Method invention teaches a method of finding an alternate cabinet containing a desired article (col. 6 lines 46-50).

It would have been obvious to one of ordinary skill in the art to provide information as to the location of the nearby alternate vending machine for the desired product in Horne et al. because Horne et al. suggests maintaining an inventory of the product in a vending machine and Rosenberg et al. teaches providing information relating to the location of a desired product to the control panel of an enclosure in order to identify an alternate source for a particular product.

Regarding claim 22, Horne et al. teaches a vending machine having an inventory sensor (94), customer interface (50), transceiver for providing communications (11), processing system coupled to the transceiver (110), the processing system further coupled to the inventory sensor and customer interface (figure 3). The processing system cooperates with the inventory sensor to determine that the desired product availability (col. 7 lines 20-24). Horne et al. is however silent on teaching the making of information available comprising of the location of the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory Management System And Method invention teaches a method of finding an alternate cabinet containing a desired article' (col. 6 lines 46-50).

It would have been obvious to one of ordinary skill in the art to provide information as to the location of the nearby alternate vending machine for the desired product in Horne et al. because Horne et al. suggests maintaining an inventory of the product in a vending machine and Rosenberg et al. teaches providing information relating to the location of a desired product to the control panel of an enclosure in order to identify an alternate source for a particular product.

Claims 5, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horne et al. U.S Patent 5091713 in view of Rosenberg et al. U.S Patent 6418416 and further in view of Azizi et al. U.S Patent 5525967.

Regarding claims 5 and 15, Horne et al. is silent on teaching querying one candidate alternate vending machine for its location, calculate a distance from the first vending machine to at least one candidate alternate vending machine and defining at least one candidate alternate vending machine to the nearby alternate vending machine for the desired product. Rosenberg et al. in an art related Inventory Management System And Method teaches a method and system that allows users to search for an article across multiple enclosures from any location (col. 2 lines 34-35) but is silent on teaching calculating a distance from the first vending machine to at least one candidate vending machine. Azizi et al. in an art related System and Method For Tracking And Locating An Object teaches the method of monitoring the specific location of a person or object by pinpointing both the distance and the direction of the person or object being monitored relative to the monitoring unit (col. 2 lines 16-18).

It would have been obvious to one of ordinary skill in the art to locate an alternate vending machine for its location, calculate a distance from the first vending machine to at least one candidate alternate vending machine and defining at least one candidate alternate vending machine to the nearby alternate vending machine for the desired product in Horne et al. because Horne et al. suggests a vending machine connected to other vending machine and an inventory control system to track the inventory of a vending machine and Rosenberg et al. a method and

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system that allows users to search for an article across multiple enclosures from any location.

Azizi also teaches a method of monitoring the specific location of a person or object by pinpointing both the distance and the direction of the person or object being monitored relative to the monitoring unit in order to supply information to the user concerning the monitored item.

Regarding claim 9, Horne et al. in view of Rosenberg et al. is silent on teaching redefining for the first vending machine, the one of the plurality of vending machines as the nearby alternate vending machine for the desired product when the server has determined the one of the plurality of the vending machines is nearer to the first vending machine. Azizi et al. in an art related System and Method For Tracking And Locating An Object teaches the method of monitoring the specific location of a person or object by pinpointing both the distance and the direction of the person or object being monitored relative to the monitoring unit (col. 2 lines 16-18).

It would have been obvious to one of ordinary skill in the art to redefine for the first vending machine, the one of the plurality of vending machines as the nearby alternate vending machine for the desired product when the server has determined the one of the plurality of the vending machines is nearer to the first vending machine in Horne et al. because Horne et al suggests having a plurality of vending machine connected to an inventory control system and Azizi teaches a system for measuring the distance between two objects in order to provide information as to the location of the object.

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Allowable Subject Matter

Claims 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 19 and 20 the prior art of record fail t teach or suggests a transaction list listing comprising identifiers of the first vending machine, the alternate vending machine and the desired product;

Compare an identifier of the one of the plurality of vending machines and the product with the transaction list to determine whether one of the vending machines and the product is the desired product.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Vernal Brown
July 29, 2002

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

